

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

OSR ENTERPRISES AG,

Plaintiff,

v.

EHOOD JOSEF WUHL,

Defendant.

Civil Action No. 20-8370-JPO

**CONSENT JUDGMENT AND
PERMANENT INJUNCTION**

WHEREAS, plaintiff OSR Enterprises AG (“Plaintiff”) commenced the above-captioned action (the “Action”) on October 7, 2020, by filing the Complaint for trademark infringement and counterfeiting, and unfair competition, false endorsement, and false designation of origin;

WHEREAS, a true and correct copy of the Summons and Complaint were properly served upon defendant Ehood Josef Wuhl (“Defendant”) on November 25, 2020 who has agreed and acknowledged service;

WHEREAS, the Clerk issued a Certificate of Default on April 8, 2021;

WHEREAS, the parties have agreed the disputes among them, including in this Action, with Defendant represented by Swiss counsel and having been provided with the opportunity to obtain U.S. counsel; and

WHEREAS, no party hereto is an infant, incompetent person or conservatee;

NOW THEREFORE IT IS IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their respective counsel, and ORDERED AND ADJUDGED that:

1. The Court has personal jurisdiction over each of the parties to this action. The Court has federal question jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338 over the claims

because the action alleges *inter alia* violation of federal statutes. Venue is proper in this judicial district under 28 U.S.C. § 1391.

2. Defendant consents to the jurisdiction of this Court to enter and enforce the Order against him, his employees, servants, agents, licensees, attorneys, and assigns, all those in active concert and participation with any of them, and the parties hereby consent to the entry of this Consent Judgment.

3. Defendant was properly served with the Summons and Complaint and withdraws any and all claims alleging improper service.

4. Defendant admits all allegations and claims set forth in the Complaint and apologizes for his behavior.

5. The Court hereby directs final judgment in favor of Plaintiff and against Defendant in accordance with the terms herein.

6. Plaintiff owns the design mark OSR Enterprises AG under Trademark Registration No. 5,539,016, the word mark Revolution by Evolution under Trademark Registration No. 5,539,014, the word mark “EVOLVER” under Trademark Registration No. 6,155,990, and the design mark “EVOLVER” under Registration No. 6,155,991 (the “Marks”).

7. Plaintiff and Defendant have agreed to the terms of a Confidential Settlement Agreement pursuant to which the parties have agreed to entry of this Consent Judgment. Therefore, Defendant, including his employees, servants, agents, licensees, attorneys, and assigns, and those persons in active concert or participation with them are hereby enjoined from the following:

- i. Engaging in any activity that infringes on Plaintiff’s exclusive right to use its Marks;

- ii. Using the Marks alone, or in combination with any other word(s), or any derivation or phonetic equivalent or typo or misspelling or colorable imitation thereof in commerce, including but not limited to sales, marketing, promotions, or advertisements; and
 - iii. Selling, marketing, promoting, or advertising himself as a current or former employee of Plaintiff.
8. Defendant agrees to compensate Plaintiff for damages as separately provided in the Confidential Settlement Agreement between the parties.
9. The parties shall bear their own fees and costs.
10. The Court shall retain jurisdiction to enforce terms and provisions of this Consent Judgment and Defendant agrees to submit to the jurisdiction of the Court with respect to such enforcement.
11. This Stipulation of Settlement and Dismissal may be executed in facsimile and/or electronically scanned counterparts and may be filed without further notice with the Clerk of the Court.
12. Defendant agrees to accept service of the So-Ordered stipulation of settlement and dismissal by electronic mail and the respective parties have agreed to waive, and do hereby waive, all rights of appeal which they, or any of them, may have from said Consent Judgment and Permanent Injunction.

Dated: New York, New York
December 14, 2021

Dated:
NOVEMBER __, 2021

KASOWITZ BENSON TORRES LLP

By: /s/ Paul Burgo
Marc E. Kasowitz
MKasowitz@kasowitz.com
Paul Burgo

By: _____
Eddy Wuhl
Defendant

- ii. Using the Marks alone, or in combination with any other word(s), or any derivation or phonetic equivalent or type or misspelling or colorable imitation thereof in commerce, including but not limited to sales, marketing, promotions, or advertisements; and
 - iii. Selling, marketing, promoting, or advertising himself as a current or former employee of Plaintiff.
8. Defendant agrees to compensate Plaintiff for damages as separately provided in the Confidential Settlement Agreement between the parties.
9. The parties shall bear their own fees and costs.
10. The Court shall retain jurisdiction to enforce terms and provisions of this Consent Judgment and Defendant agrees to submit to the jurisdiction of the Court with respect to such enforcement.
11. This Stipulation of Settlement and Dismissal may be executed in facsimile and/or electronically scanned counterparts and may be filed without further notice with the Clerk of the Court.
12. Defendant agrees to accept service of the So-Ordered stipulation of settlement and dismissal by electronic mail and the respective parties have agreed to waive, and do hereby waive, all rights of appeal which they, or any of them, may have from said Consent Judgment and Permanent Injunction.

Dated: New York, New York
November __, 2021

Dated:
NOVEMBER 15, 2021

KASOWITZ BENSON TORRES LLP

By: /s/ DRAFT
Marc E. Kasowitz
MKasowitz@kasowitz.com
Paul Burgo

By: [Signature]
Eddy Wutli
Defendant E.W.

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I confirm the customer's signature

THE CLERK
OF THE COURT
OF THE DISTRICT OF COLUMBIA

PBurgo@kasowitz.com
1633 Broadway
New York, NY 10019
Telephone: (212) 506-1700
Facsimile: (212) 506-1800

Attorneys for Plaintiff

SO ORDERED:

The Clerk of Court is directed to close this case.



J. PAUL OETKEN
United States District Judge

12/15/2021